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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 IRMA RUIZ,)

17 Defendant.)
18

No. 3-05-70460 MEJ

~~[PROPOSED]~~ ORDER AND STIPULATION
WAIVING TIME UNDER RULE 5.1 AND
EXCLUDING TIME FROM JULY 15, 2005
TO JULY 29, 2005 FROM THE SPEEDY
TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

19 The parties are scheduled to appear before the Court on July 22, 2005. The Court enters this
20 order scheduling a new preliminary hearing/arraignment date of July 29, 2005, at 9:30 a.m.,
21 before the Honorable Edward M. Chen, and documenting the exclusion of time under Federal
22 Rule of Criminal Procedure 5.1 and the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from July
23 22, 2005 to July 29, 2005. The defendant having been informed of her rights by counsel, the
24 parties agreed, and the Court finds and holds, as follows:

25 1. The defendant waived the time limits for a preliminary hearing under Federal Rule of
26 Criminal Procedure 5.1. Failure to grant the requested continuance would unreasonably deny
27 both defense and government counsel reasonable time necessary for effective preparation, taking
28 into account the exercise of due diligence, and would deny the defendant and government

STIPULATION AND ORDER
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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

continuity of counsel.

2. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case before the July 29, 2005 preliminary hearing date. The parties are investigating a pre-indictment disposition of the case.

3. The defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny both government and defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would deny the defendant and the government continuity of counsel.

4. Given these circumstances, the Court found that the ends of justice served by excluding the period from July 22, 2005 to July 29, 2005, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

5. Accordingly, and with the consent of the defendant, the Court ordered that the period from July 22, 2005 to July 29, 2005, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. The Court scheduled a new preliminary hearing/arraignment date of July 29, 2005, at 9:30 a.m., before the Honorable Edward M. Chen.

IT IS SO STIPULATED.

DATED: 7/19/05



TRACIE L. BROWN
Assistant United States Attorney

DATED: 7/20/05


JOSHUA COHEN
Attorney for IRMA RUIZ

IT IS SO ORDERED.

DATED: 7/22/05


~~HON. EDWARD M. CHEN~~ **NANDOR VADAS**
United States Magistrate Judge